
**Testimony of Andrea Mancuso, on behalf of the Maine Coalition to End Domestic Violence
Neither for Nor Against LD 842, “An Act to Reestablish Parole,”
Before the Joint Standing Committee on Judiciary
Thursday, April 22, 2021**

Senator Carney, Representative Harnett, and distinguished members of the Joint Standing Committee on Judiciary, I am writing on behalf of the Maine Coalition to End Domestic Violence (MCEDV)¹ in neither for nor against LD 842, “An Act to Reestablish Parole.”

As we look at the possible impact of re-establishing parole on survivors of domestic abuse and violence, we appreciate that, as is true for many other criminal justice reform proposals, there are crime victims in our state who would support a system of parole and others who would not. Despite this broad spectrum of perspective on the value and impact of incarceration, there is one thing that we know to be universally true: the overwhelming majority of those who commit crimes in Maine each year are people who will, at some point, again live in our communities; and we all need to do better at ensuring there are sufficient community supports to attend to that reality, regardless of whether this proposal goes forward or not. MCEDV encourages you to, at the same time you consider this proposal, also ask the important questions around what type of rehabilitation and recovery supports would need to be bolstered alongside the re-establishment of parole to ensure that parole is an achievable goal for Maine’s incarcerated population – not only to be granted parole, but to successfully be reintegrated into the community without detrimental impact on the safety of their victims.

We recognize that, particularly for those who are sentenced to a relatively short term of incarceration, keeping that person institutionalized for a few years longer with other people who have also committed crimes may not necessarily increase community safety long-term. On the other hand, our correctional facilities are not structured to be rehabilitative in nature and to truly support capacity for behavior change. Nor are there sufficient re-entry services available to support those who might be paroled. And there are

¹ MCEDV represents a membership of the eight regional domestic violence resource centers (DVRCs) across Maine as well as the Immigrant Resource Center of Maine. In FY2020, **12,516 people** sought and received assistance from Maine’s DVRC’s, which provide 24-hour crisis intervention, emergency shelter, legal advocacy, child protective advocacy, and practical assistance to help survivors overcome barriers to achieving safety for themselves and their children.

insufficient structures in place for community level monitoring and accountability so as to not place an ongoing burden on the victim for reporting non-compliance or renewed criminal behavior. These would need to be built with intention and careful thoughts.

In the context of domestic abuse and violence, already a patterned crime, any resident of a Maine Dept. of Corrections facility is very unlikely to be a “first-time” offender. And parole without an appropriate opportunity for behavior change, a reasonably accurate assessment for behavior change and supports upon re-entry is thus very likely to have an impact on victim safety. Unlike victims of many other crimes, for domestic abuse and violence there is most often more that binds the victim and the offender than just the crime for which the offender was incarcerated, including friends and family in common, minor children, and financial interests. Particularly for those victims who experienced years of abuse or suffered serious bodily injury, it is not uncommon for victims to express that the time the offender was incarcerated was the first time that the victim lived in peace and could focus on positive reconstruction of their lives for any real length of time. Without appropriate attention to supports for behavior change during the period of incarceration, and a reasonably accurate method of confirming behavior change, the prospect of parole would, for these victims, involve a type of constant vigilance and an uncertainty around when that ability to live in mental peace will end.

There are technical issues with this particular proposal that we would note – particularly around whether there would be a *right* for a victim to be heard, how is that notification made, who is responsible for notification, whether a victim can participate directly but from a remote location. We also encourage you to consider the wisdom of including as immediately eligible for parole anyone who is incarcerated, regardless of the crime committed. LD 842 would make immediately parole eligible those convicted of homicide, including those rare defendants that Maine’s courts have decided should have life sentences given the egregious nature of their crimes. If this proposal were to be enacted, many families of homicide victims would now have the responsibility for the continued incarceration of the person who killed their loved one resting firmly on their shoulders every two years and be forced to reckon with the extent to which they want to or are able to relive their trauma.

We appreciate and share the belief of the sponsors of LD 842 in the capacity of many of those who have committed crimes to change and also the desire to address the disproportionate impact the criminal justice system has on marginalized communities, specifically including communities of color in Maine and those impacted by substance use for whom the criminal justice system was the default community response. However, particularly for those who have used violence to cause harm, investment in recovery and rehabilitative supports – both within correctional facilities and within communities – must go hand in hand with a process of decarceration in order to properly attend to the safety of community and of the victim who has been harmed. And mechanisms for appropriate monitoring and accountability upon reintegration into the community must be assured to

eliminate the need for a victim to bear an ongoing burden of reporting renewed abusive and criminal behavior.

This is an important conversation – one that should be informed by an understanding of the current incarcerated population that would become eligible for parole if this were enacted and one that should be informed by an understanding of the supports and resources available before and after parole is granted and whether those can properly attend to the needs of both the person who was paroled and their community. We appreciate the opportunity to be heard on LD 842. Appreciating the gravity of the considerations the Committee must undertake with this proposal, MCEDV and our member programs are happy to be available as a resource and remain an interested stakeholder in the outcome.

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